

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 712

1 AN ACT

2 To repeal sections 44.010, 44.023, 190.500,
 3 306.124, 307.177, 407.472, 473.697, 490.620,
 4 542.400, 542.402, 542.404, 542.406, 542.408,
 5 542.410, 542.412, 542.414, 542.416, 542.418,
 6 542.420, 542.422, 570.030, 571.020, 574.105,
 7 574.115, 575.080, 578.008 and 610.021, and to
 8 enact in lieu thereof thirty-four new
 9 sections relating to terrorism, with penalty
 10 provisions, an expiration date for a certain
 11 section and an emergency clause.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
 13 AS FOLLOWS:

14 Section A. Sections 44.010, 44.023, 190.500, 306.124,
 15 307.177, 407.472, 473.697, 490.620, 542.400, 542.402, 542.404,
 16 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418,
 17 542.420, 542.422, 570.030, 571.020, 574.105, 574.115, 575.080,
 18 578.008 and 610.021, are repealed and thirty-four new sections
 19 enacted in lieu thereof, to be known as sections 38.050, 44.010,
 20 44.023, 190.500, 195.041, 304.370, 306.124, 307.177, 407.472,
 21 407.760, 407.762, 473.697, 490.620, 542.400, 542.402, 542.404,

1 542.406, 542.408, 542.410, 542.412, 542.414, 542.416, 542.418,
2 542.420, 542.422, 569.072, 570.030, 571.020, 574.105, 574.115,
3 575.080, 576.080, 578.008 and 610.021, to read as follows:

4 38.050. 1. There is established a joint committee of the
5 general assembly to be known as the "Joint Committee on
6 Terrorism, Bioterrorism, and Homeland Security" to be composed of
7 seven members of the senate and seven members of the house of
8 representatives. The senate members of the joint committee shall
9 be appointed by the president pro tem and minority floor leader
10 of the senate and the house members shall be appointed by the
11 speaker and minority floor leader of the house of
12 representatives. The appointment of each member shall continue
13 during the member's term of office as a member of the general
14 assembly or until a successor has been appointed to fill the
15 member's place when his or her term of office as a member of the
16 general assembly has expired. No party shall be represented by
17 more than four members from the house of representatives nor more
18 than four members from the senate. A majority of the committee
19 shall constitute a quorum, but the concurrence of a majority of
20 the members shall be required for the determination of any matter
21 within the committee's duties.

22 2. The joint committee shall:

23 (1) Make a continuing study and analysis of all state
24 government terrorism, bioterrorism, and homeland security

1 efforts;

2 (2) Devise a standard reporting system to obtain data on
3 each state government agency that will provide information on
4 each agency's terrorism, bioterrorism, and homeland security
5 status at least biennially;

6 (3) Determine from its study and analysis the need for
7 changes in statutory law; and

8 (4) Make any other recommendation to the general assembly
9 necessary to provide adequate terrorism, bioterrorism, and
10 homeland security to the citizens of the state of Missouri.

11 3. The joint committee shall meet within thirty days after
12 its creation and organize by selecting a chairperson and a vice
13 chairperson, one of whom shall be a member of the senate and the
14 other a member of the house of representatives. The chairperson
15 shall alternate between members of the house and senate every two
16 years after the committee's organization.

17 4. The committee shall meet at least quarterly. The
18 committee may meet at locations other than Jefferson City when
19 the committee deems it necessary.

20 5. The committee shall be staffed by legislative personnel
21 as is deemed necessary to assist the committee in the performance
22 of its duties.

23 6. The members of the committee shall serve without
24 compensation but shall be entitled to reimbursement for actual

1 and necessary expenses incurred in the performance of their
2 official duties.

3 7. It shall be the duty of the committee to compile a full
4 report of its activities for submission to the general assembly.
5 The report shall be submitted not later than the fifteenth of
6 January of each year in which the general assembly convenes in
7 regular session and shall include any recommendations which the
8 committee may have for legislative action as well as any
9 recommendations for administrative or procedural changes in the
10 internal management or organization of state or local government
11 agencies and departments. Copies of the report containing such
12 recommendations shall be sent to the appropriate directors of
13 state or local government agencies or departments included in the
14 report.

15 8. The provisions of this section shall expire on December
16 31, 2007.

17 44.010. As used in sections 44.010 to 44.130, the following
18 terms mean:

19 (1) "Agency", the state emergency management agency;

20 (2) "Bioterrorism", the intentional use of any
21 microorganism, virus, infectious substance, or biological product
22 that may be engineered as a result of biotechnology, or any
23 naturally occurring or bioengineered component of any such
24 microorganism, virus, infectious substance, or biological

1 product, to cause death, disease, or other biological malfunction
2 in a human, an animal, a plant, or another living organism in
3 order to influence the conduct of government or to intimidate or
4 coerce a civilian population;

5 (3) "Director", the director of the state emergency
6 management agency;

7 [(3)] (4) "Disasters", disasters which may result from
8 terrorism, including bioterrorism, or from fire, wind, flood,
9 earthquake, or other natural or man-made causes;

10 [(4)] (5) "Economic or geographic area", an area or areas
11 within the state, or partly in this state and adjacent states,
12 comprising political subdivisions grouped together for purposes
13 of administration, organization, control or disaster recovery and
14 rehabilitation in time of emergency;

15 [(5)] (6) "Emergency", any state of emergency declared by
16 proclamation by the governor, or by resolution of the legislature
17 pursuant to sections 44.010 to 44.130 upon the actual occurrence
18 of a natural or man-made disaster of major proportions within
19 this state when the safety and welfare of the inhabitants of this
20 state are jeopardized;

21 [(6)] (7) "Emergency management", government at all levels
22 performing emergency functions, other than functions for which
23 military forces are primarily responsible;

24 [(7)] (8) "Emergency management functions", "emergency

1 management activities" and "emergency management service", those
2 functions required to prepare for and carry out actions to
3 prevent, minimize and repair injury and damage due to disasters,
4 to include emergency management of resources and administration
5 of such economic controls as may be needed to provide for the
6 welfare of the people, either on order of or at the request of
7 the federal government, or in the event the federal government is
8 incapable of administering such control;

9 [(8)] (9) "Emergency resources planning and management",
10 planning for, management and coordination of national, state and
11 local resources;

12 [(9)] (10) "Executive officer of any political
13 subdivision", the county commission or county supervisor or the
14 mayor or other manager of the executive affairs of any city,
15 town, village or fire protection district;

16 [(10)] (11) "Local organization for emergency management",
17 any organization established under this law by any county or by
18 any city, town, or village to perform local emergency management
19 functions;

20 [(11)] (12) "Management", the activities of the emergency
21 management director in the implementation of emergency operations
22 plans during time of emergency;

23 [(12)] (13) "Planning", activities of the state and local
24 emergency management agency in the formulation of emergency

1 management plans to be used in time of emergency;

2 [(13)] (14) "Political subdivision", any county or city,
3 town or village, or any fire district created by law.

4 44.023. 1. The Missouri state emergency management agency
5 shall establish and administer an emergency volunteer program to
6 be activated in the event of [an earthquake or other natural] a
7 disaster whereby volunteer architects and professional engineers
8 registered under chapter 327, RSMo, and construction contractors,
9 equipment dealers and other owners and operators of construction
10 equipment may volunteer the use of their services and equipment,
11 either manned or unmanned, for up to three days as requested and
12 needed by the state emergency management agency.

13 2. In the event of [an earthquake or other natural] a
14 disaster, the enrolled volunteers shall, where needed, assist
15 local jurisdictions and local building inspectors to provide
16 essential demolition, cleanup or other related services and to
17 determine whether buildings affected by [an earthquake or other
18 natural] a disaster:

19 (1) Have not sustained serious damage and may be occupied;
20 (2) Must be vacated temporarily pending repairs; or
21 (3) Must be demolished in order to avoid hazards to
22 occupants or other persons.

23 3. Any person when utilized as a volunteer under the
24 emergency volunteer program shall have his incidental expenses

1 paid by the local jurisdiction for which the volunteer service is
2 provided.

3 4. Architects and professional engineers, construction
4 contractors, equipment dealers and other owners and operators of
5 construction equipment and the companies with which they are
6 employed, working under the emergency volunteer program shall not
7 be personally liable either jointly or separately for any act or
8 acts committed in the performance of their official duties as
9 emergency volunteers except in the case of willful misconduct or
10 gross negligence.

11 5. Any individuals, employers, partnerships, corporations
12 or proprietorships, that are working under the emergency
13 volunteer program providing demolition, cleanup, removal or other
14 related services, shall not be liable for any acts committed in
15 the performance of their official duties as emergency volunteers
16 except in the case of willful misconduct or gross negligence.

17 190.500. 1. Notwithstanding any other provision of law to
18 the contrary, a temporary license may be issued for no more than
19 a twelve-month period by the appropriate licensing board to any
20 otherwise qualified health care professional licensed and in good
21 standing in another state and who meets such other requirements
22 as the licensing board may prescribe by rule and regulation, if
23 the health care professional:

24 (1) Is acting pursuant to federal military orders under

1 Title X for active duty personnel or Title XXXII for military
2 reservists; and

3 [(2)] is enrolled in an accredited training program for
4 trauma treatment and disaster response in a hospital in this
5 state; or

6 (2) If the health care professional is acting pursuant to
7 the governor's declaration of an emergency as defined in section
8 44.010, RSMo, such temporary licensure shall be issued pursuant
9 to this subdivision for a two-week period and, upon license
10 verification, may be reissued every two weeks thereafter.

11 2. Licensure information and confirmation of health care
12 professionals acting pursuant to this section may be obtained by
13 any available means, including electronic mail.

14 3. For purposes of this section, the term "health care
15 professional" shall mean as defined in section 383.130, RSMo.

16 195.041. In the event of an emergency as defined in section
17 44.010, RSMo, the department of health and senior services may
18 waive the registration and record keeping requirements set forth
19 in sections 195.010 to 195.100, RSMo, and their attendant
20 regulations if the department determines such a waiver would be
21 in the best interest of the public health.

22 304.370. 1. For purposes of this section, "hazardous
23 materials" shall be as defined pursuant to Part 397, Title 49,
24 Code of Federal Regulations, as adopted and amended.

1 2. No person shall transport hazardous materials in or
2 through any highway tunnel in this state.

3 3. No person shall park a vehicle containing hazardous
4 materials within three hundred feet of any highway tunnel in this
5 state except as provided pursuant to Part 397, Title 49, Code of
6 Federal Regulations, as adopted and amended.

7 4. Any person who is found or pleads guilty to a violation
8 of this section shall be guilty of a class B misdemeanor. Any
9 person who is found or pleads guilty to a second or subsequent
10 violation of this section shall be guilty of a class A
11 misdemeanor. Violations of this section shall be enforced
12 pursuant to section 390.201, RSMo.

13 306.124. 1. (1) "Aids to navigation" means buoys, beacons
14 or other fixed objects in the water which are used to mark
15 obstructions to navigation or to direct navigation through safe
16 channels.

17 (2) "Regulatory markers" means any anchored or fixed
18 markers in or on the water or signs on the shore or on bridges
19 over the water other than aids to navigation and shall include
20 but not be limited to bathing markers, speed zone markers,
21 information markers, danger zone markers, boat keep-out areas,
22 and mooring buoys.

23 2. The Missouri state water patrol after a public hearing
24 pursuant to notice thereof published not less than ten days prior

1 thereto in each county to be affected may provide for the uniform
2 marking of the water areas in this state through the placement of
3 aids to navigation and regulatory markers. The Missouri state
4 water patrol shall establish a marking system compatible with the
5 system of aids to navigation prescribed by the United States
6 Coast Guard. No city, county, or person shall mark or obstruct
7 the water of this state in any manner so as to endanger the
8 operation of watercraft or conflict with the marking system
9 prescribed by the state water patrol.

10 3. Whenever, due to any actual or imminent man-made or
11 natural disaster, the navigation or use of any waters of this
12 state presents an unreasonable danger to persons or property, the
13 Missouri state water patrol may, with the consent of the director
14 of the department of public safety, close such waters by the
15 placement of regulatory markers.

16 [3.] 4. The operation of any watercraft within prohibited
17 areas that are marked shall be prima facie evidence of negligent
18 operation.

19 [4.] 5. It shall be unlawful for any person to operate a
20 watercraft on the waters of this state in a manner other than
21 that prescribed or permitted by regulatory markers.

22 [5.] 6. No person shall moor or fasten a watercraft to or
23 willfully damage, tamper, remove, obstruct, or interfere with any
24 aid to navigation or regulatory marker established pursuant to

1 sections 306.010 to 306.126.

2 307.177. 1. It is unlawful for any person to operate any
3 bus, truck, truck-tractor and trailer combination, or other
4 commercial motor vehicle and trailer upon any highway of this
5 state, whether intrastate transportation or interstate
6 transportation, transporting materials defined and classified as
7 hazardous by the United States Department of Transportation
8 pursuant to Title 49 of the Code of Federal Regulations, as such
9 regulations have been and may periodically be amended, unless
10 such vehicle is equipped with the equipment required by and be
11 operated in accordance with safety and hazardous materials
12 regulations for such vehicles as adopted by the United States
13 Department of Transportation.

14 2. Notwithstanding the provisions of subsection 1 of this
15 section to the contrary, Part 391, Subpart E, Title 49, Code of
16 Federal Regulations, relating to the physical requirements of
17 drivers shall not be applicable to drivers in intrastate
18 commerce, provided such drivers were licensed by this state as
19 chauffeurs to operate commercial motor vehicles on May 13, 1988.

20 3. Failure to comply with the requirements of this section
21 may result in the commercial motor vehicle and trailer and driver
22 of such vehicle and trailer being placed out of service.
23 Criteria used for placing drivers and vehicles out of service are
24 the North American Uniform Out-of-Service Criteria adopted by the

1 Commercial Vehicle Safety Alliance and the United States
2 Department of Transportation, as such criteria have been and may
3 periodically be amended.

4 4. Violation of this section shall be deemed a class A
5 misdemeanor.

6 407.472. 1. When it appears to the attorney general that a
7 person has engaged in, is engaging in or is about to engage in
8 any method, use, act or practice declared to be unlawful by
9 sections 407.450 to 407.478, or when it appears that any funds
10 solicited by or on behalf of any charitable organization are
11 being used, or are about to be used, for any purpose in violation
12 of this chapter or section 576.080, RSMo, or when he or she
13 believes it to be in the public interest that an investigation
14 should be made to ascertain whether a person in fact has engaged
15 in, is engaging in, or is about to engage in any such act or
16 practice he or she may issue and cause to be served a civil
17 investigative demand to assist in the investigation of the
18 matter. The issuance and enforcement of each civil investigative
19 demand shall be in compliance with all of the terms and
20 provisions of sections 407.040 to 407.090.

21 2. Whenever it appears to the attorney general that a
22 person has engaged in, is engaging in, or is about to engage in
23 any method, use, act, or practice declared to be unlawful by
24 sections 407.450 to 407.478, or when it appears that any funds

1 solicited by or on behalf of any charitable organization are
2 being used, or are about to be used, for any purpose in violation
3 of this chapter or section 576.080, RSMo, he or she may bring an
4 action pursuant to section 407.100 for an injunction prohibiting
5 such person from continuing such methods, uses, acts, or
6 practices, or engaging therein, or doing anything in furtherance
7 thereof. In any action brought by the attorney general [under]
8 pursuant to this subsection all of the provisions of sections
9 407.100 to 407.140 shall apply thereto.

10 407.760. 1. For the purpose of this section and section
11 407.762, the definitions set forth in section 407.010 shall
12 apply, and in addition the following terms shall mean:

13 (1) "Consumer market disruption", an actual or threatened
14 change in the market for essential consumer merchandise due to
15 stress of weather, convulsion of nature, strike, civil disorder,
16 war, act of terrorism, military action, or any officially
17 declared national or statewide emergency or disaster. The term
18 consumer market disruption shall not include statewide
19 emergencies or disasters declared by an executive order to access
20 the rainy day fund, to balance the state budget, or any similar
21 emergency or disaster;

22 (2) "Essential consumer merchandise", merchandise used,
23 bought or rendered primarily for personal or business purposes
24 and essential to the health, safety or welfare of consumers.

1 407.762. 1. It shall be unlawful for any person to
2 exercise unfair leverage when selling essential consumer
3 merchandise during a consumer market disruption.

4 2. Whether a sale constitutes an exercise of unfair
5 leverage is a matter of law for the court to determine.

6 3. Any of the following may be offered as evidence of the
7 exercise of unfair leverage:

8 (1) A gross disparity between the price at which the seller
9 sold the essential consumer merchandise and the seller's price
10 for any similar sale made in the usual course of business
11 immediately before the onset of the consumer market disruption;
12 or

13 (2) A gross disparity between the price at which the seller
14 sold the essential consumer merchandise and the price at which
15 the same or comparable essential consumer merchandise was readily
16 available to consumers in the trade area at the time of the sale.

17 4. A seller may rebut an allegation of exercising unfair
18 leverage with evidence that the seller did not exercise unfair
19 leverage, including but not limited to evidence that any gross
20 disparity in price was justified by a corresponding gross
21 disparity in costs imposed on the seller and not within the
22 seller's control.

23 5. A person who violates this section may be liable for:

24 (1) Restitution to any consumer against whom the person

1 exercised unfair leverage in violation of this section; and

2 (2) A civil penalty to the state of Missouri in an amount
3 not to exceed the greater of three thousand dollars or twice the
4 amount gained unlawfully in violation of this section.

5 6. The attorney general shall have authority to commence a
6 civil action for a violation of this section.

7 473.697. Whenever application shall be made to any probate
8 division for letters of administration upon the estate of any
9 person supposed to be dead, because of the absence of such person
10 for five consecutive years from the place of his last known
11 domicile within this state, or because such person was exposed to
12 a specific peril of death due to a terrorist event, or because,
13 having been a resident of this state, such person has heretofore
14 gone from and has not returned to this state for five consecutive
15 years, or, because, having been such resident of this state, such
16 person shall hereafter go from and shall not return to this state
17 for five consecutive years, or, because being a resident of this
18 state, such person shall have so concealed or conducted himself
19 within this state that he shall not have been heard of for five
20 consecutive years by the judge of the probate division having
21 jurisdiction of his estate, or by the persons interested therein,
22 then said court, if satisfied that the applicant would be
23 entitled to such letters if the supposed decedent were in fact
24 dead, shall cause a notice to such supposed deceased person to be

1 published in a newspaper, published in the county, once a week
2 for four consecutive weeks, setting forth the fact that such
3 application has been made, together with notice that on a day
4 certain, which shall be at least two weeks after the last
5 publication of such notice, the court will hear evidence
6 concerning the alleged absence of the supposed decedent, and the
7 circumstances and duration thereof. The persons applying for
8 such letters of administration shall file a petition stating the
9 facts upon which such application is based and the place where
10 such supposed deceased person resided when last heard from by him
11 or by any person within his knowledge.

12 490.620. If any person who shall have resided in this state
13 [go] goes from and [do] does not return to this state for five
14 successive years, he or she shall be presumed to be dead in any
15 case wherein his or her death shall come in question, unless
16 proof be made that he or she was alive within that time. The
17 fact that such person was exposed to a specific peril of death
18 due to a terrorist event may be a sufficient basis for
19 determining at any time after such exposure that he or she died
20 less than five years after the date his or her absence commenced.

21 542.400. As used in sections 542.400 to 542.422, the
22 following words and phrases mean:

23 (1) "Aggrieved person", a person who was a party to any
24 intercepted wire communication or a person against whom the

1 interception was directed;

2 (2) "Communication common carrier", an individual or
3 corporation undertaking to transport messages for compensation;

4 (3) "Contents", when used with respect to any wire
5 communication, includes any information concerning the identity
6 of the parties, the substance, purport, or meaning of that
7 communication;

8 (4) "Court of competent jurisdiction", any circuit court
9 having general criminal jurisdiction within the territorial
10 jurisdiction where the communication is to be intercepted
11 including any circuit judge specially assigned by the supreme
12 court of Missouri pursuant to section 542.404;

13 (5) "Electronic, mechanical, or other device", any device
14 or apparatus which can be used to intercept a wire communication
15 other than:

16 (a) Any telephone or telegraph instrument, equipment or
17 facility, or any component thereof, owned by the user or
18 furnished to the subscriber or user by a communications common
19 carrier in the ordinary course of its business and being used by
20 the subscriber or user in the ordinary course of its business or
21 being used by a communications common carrier in the ordinary
22 course of its business or by an investigative office or law
23 enforcement officer in the ordinary course of his duties; or

24 (b) A hearing aid or similar device being used to correct

1 subnormal hearing to not better than normal;

2 (6) "Intercept", the aural acquisition of the contents of
3 any wire communication through the use of any electronic or
4 mechanical device, including but not limited to interception by
5 one spouse of another spouse;

6 (7) "Investigative officer" or "law enforcement officer or
7 agency", any officer or agency of this state or a political
8 subdivision of this state, who is empowered by law to conduct
9 investigations of or to make arrests for offenses enumerated in
10 sections 542.400 to 542.422, and any attorney authorized by law
11 to prosecute or participate in the prosecution of such offenses;

12 (8) "Oral communication", any communication uttered by a
13 person exhibiting an expectation that such communication is not
14 subject to interception under circumstances justifying such
15 expectation;

16 (9) "Person", any employee, or agent of this state or
17 political subdivision of this state, and any individual,
18 partnership, association, joint stock company, trust, or
19 corporation;

20 (10) "Prosecuting attorney", the elected prosecuting
21 attorney of the county or the circuit attorney of any city not
22 contained within a county;

23 (11) "State", state of Missouri and political subdivisions
24 of the state;

1 (12) "Wire communication", any communication made in whole
2 or in part through the use of facilities for the transmission of
3 communications by the aid of wire, cable, or other like
4 connection between the point of origin and the point of reception
5 including the use of such connection in a switching station
6 furnished or operated by any person engaged as a common carrier
7 in providing or operating such facilities for the transmission of
8 local, state or interstate communications.

9 542.402. 1. Except as otherwise specifically provided in
10 sections 542.400 to 542.422, a person is guilty of a class D
11 felony and upon conviction shall be punished as provided by law,
12 if such person:

13 (1) Knowingly intercepts, endeavors to intercept, or
14 procures any other person to intercept or endeavor to intercept,
15 any wire communication;

16 (2) Knowingly uses, endeavors to use, or procures any other
17 person to use or endeavor to use any electronic, mechanical, or
18 other device to intercept any oral communication when such device
19 transmits communications by radio or interferes with the
20 transmission of such communication; provided, however, that
21 nothing in sections 542.400 to 542.422 shall be construed to
22 prohibit the use by law enforcement officers of body microphones
23 and transmitters in undercover investigations for the acquisition
24 of evidence and the protection of law enforcement officers and

1 others working under their direction in such investigations;

2 (3) Knowingly discloses, or endeavors to disclose, to any
3 other person the contents of any wire communication, when he
4 knows or has reason to know that the information was obtained
5 through the interception of a wire communication in violation of
6 this subsection; or

7 (4) Knowingly uses, or endeavors to use, the contents of
8 any wire communication, when he knows or has reason to know that
9 the information was obtained through the interception of a wire
10 communication in violation of this subsection.

11 2. It is not unlawful under the provisions of sections
12 542.400 to 542.422:

13 (1) For an operator of a switchboard, or an officer,
14 employee, or agent of any communication common carrier, whose
15 facilities are used in the transmission of a wire communication,
16 to intercept, disclose, or use that communication in the normal
17 course of his employment while engaged in any activity which is a
18 necessary incident to the rendition of his service or to the
19 protection of the rights or property of the carrier of such
20 communication, however, communication common carriers shall not
21 utilize service observing or random monitoring except for
22 mechanical or service quality control checks;

23 (2) For a person acting under law to intercept a wire or
24 oral communication, where such person is a party to the

1 communication or where one of the parties to the communication
2 has given prior consent to such interception;

3 (3) For a person not acting under law to intercept a wire
4 communication where such person is a party to the communication
5 or where one of the parties to the communication has given prior
6 consent to such interception unless such communication is
7 intercepted for the purpose of committing any criminal or
8 tortious act.

9 542.404. 1. The elected prosecuting attorney of the county
10 with the written authorization of the attorney general of the
11 state of Missouri may make application for an order authorizing
12 the interception of a wire communication. The supreme court of
13 Missouri, upon notice that the attorney general of the state of
14 Missouri has authorized application for an interception of a wire
15 communication, shall appoint a circuit court from a circuit other
16 than the circuit where the application originates to approve or
17 deny the application and to issue any necessary orders. Such
18 court may grant in conformity with sections 542.400 to 542.422,
19 an order authorizing the interception of wire communications by
20 the law enforcement agency having responsibility for the
21 investigation of the offense if there is probable cause to
22 believe that the interception may provide evidence of:

23 (1) A felony which involves the manufacture, importation,
24 receiving, possession, buying, selling, prescription,

1 administration, dispensation, distribution, compounding or
2 otherwise having in a person's control any controlled substance,
3 as the term "controlled substance" is defined by section 195.010,
4 RSMo; or

5 (2) Any dangerous felony as defined in section 558.016,
6 RSMo; or

7 (3) Any terrorist threat as defined in section 574.115,
8 RSMo; or

9 (4) Any conspiracy to commit any of the offenses listed in
10 subdivisions (1), (2) or (3) of this subsection.

11 2. Any order entered pursuant to the provisions of sections
12 542.400 to 542.422 shall require live monitoring by appropriate
13 law enforcement personnel of the interception of any wire
14 communication.

15 542.406. 1. Any investigative officer or law enforcement
16 officer who, by any means authorized by sections 542.400 to
17 542.422, has lawfully obtained knowledge of the contents of any
18 wire communication, or evidence derived therefrom, may disclose
19 such contents to another investigative officer or law enforcement
20 officer to the extent that such disclosure is necessary to the
21 proper performance of the official duties of the officer making
22 or receiving the disclosure for investigative purposes only.

23 2. Any investigative officer or law enforcement officer
24 who, by any means authorized by sections 542.400 to 542.422, has

1 lawfully obtained knowledge of the contents of any wire or oral
2 communication, or evidence derived therefrom, may use such
3 contents to the extent such use is necessary to the proper
4 performance of his official duties.

5 3. Any person who has received, by any means authorized by
6 sections 542.400 to 542.422, any information concerning a wire
7 communication, or evidence derived therefrom, intercepted in
8 accordance with the provisions of sections 542.400 to 542.422
9 shall disclose the contents of that communication or such
10 derivative evidence while giving testimony under oath or
11 affirmation in any criminal proceeding, including deposition in
12 any court or in any grand jury proceeding, subject to the rules
13 of evidence.

14 4. No otherwise privileged wire communication intercepted
15 in accordance with, or in violation of, the provisions of
16 sections 542.400 to 542.422 shall lose its privileged character
17 and shall be suppressed upon motion.

18 542.408. 1. Each application for an order authorizing or
19 approving the interception of a wire communication shall be made
20 in writing and shall be submitted to the attorney general for his
21 review and approval. If the attorney general approves the
22 application, he shall join such application, which shall be
23 submitted upon oath or affirmation to a court of competent
24 jurisdiction and shall state the applicant's authority to make

1 such application. Each application shall include the following
2 information:

3 (1) The identity of the prosecuting attorney making the
4 application together with the identities of the law enforcement
5 agency or agencies that are to conduct the interception;

6 (2) A full and complete statement of the facts and
7 circumstances relied upon by the applicant to justify his belief
8 that an order should be issued, including:

9 (a) Details as to the particular offense that has been, is
10 being, or is about to be committed;

11 (b) A particular description of the nature and location of
12 the facilities from which or the place where the communication is
13 to be intercepted;

14 (c) A particular description of the type of communications
15 sought to be intercepted; and

16 (d) The identity of the person and employment, if known,
17 committing the offense and whose communications are to be
18 intercepted;

19 (e) That the application is sought solely for detection of
20 the crimes enumerated in section 542.404;

21 (3) A full and complete statement as to whether other
22 investigative procedures have been tried and failed, or why they
23 reasonably appear to be unlikely to succeed if tried, or to be
24 too dangerous;

1 (4) A statement of the period of time for which the
2 interception is required to be maintained. If the nature of the
3 investigation is such that the authorization for the interception
4 should not automatically terminate when the described type of
5 communication has been first obtained, a particular description
6 of facts establishing probable cause to believe that additional
7 communications of the same type will occur thereafter;

8 (5) A full and complete statement of the facts concerning
9 all previous applications known or available to the individual
10 authorizing and making the application, made to any court for
11 authorization to intercept, or for approval of interceptions of,
12 wire communications involving any of the same persons, facilities
13 or places specified in the application, and the action taken by
14 the court on each such application;

15 (6) Where the application is for the extension of an order,
16 a statement setting forth the results thus far obtained from the
17 interception, or an explanation of the failure to obtain such
18 results; and

19 (7) A statement that adequate resources are available to
20 perform the interception and the estimated number of persons
21 required to accomplish the interception.

22 2. The court may require the applicant to furnish
23 additional testimony or documentary evidence in support of the
24 application.

1 3. Upon such application the court may enter an ex parte
2 order, as requested or as modified, authorizing or approving
3 interception of wire communications within the territorial
4 jurisdiction of the court, if the court determines on the basis
5 of the facts submitted by the applicant that:

6 (1) Probable cause exists to believe that an individual is
7 committing, has committed, or is about to commit a particular
8 offense enumerated in section 542.404;

9 (2) Probable cause exists to believe that particular
10 communications concerning that offense will be obtained through
11 such interception;

12 (3) Normal investigative procedures have been tried and
13 have failed or reasonably appear to be unlikely to succeed if
14 tried or to be too dangerous; and

15 (4) Probable cause exists to believe that the facilities
16 from which, or the place where, the wire communications are to be
17 intercepted are being used, or are about to be used, in
18 connection with the commission of such offense, or are leased to,
19 listed in the name of, or commonly used by such person.

20 4. Each order authorizing or approving the interception of
21 any wire communication shall specify:

22 (1) The identity of the person and employment, if known,
23 whose communications are to be intercepted;

24 (2) The nature and location of the communication facilities

1 as to which, or the place where, authority to intercept is
2 granted including whether the interception involves a cellular or
3 other wireless device;

4 (3) A particular description of the type of communication
5 sought to be intercepted, and a statement of the particular
6 offense to which it relates;

7 (4) The identity of the agency authorized to intercept the
8 communications, and of the person authorizing the application;

9 (5) The period of time during which such interception is
10 authorized, including a statement as to whether or not the
11 interception shall automatically terminate when the described
12 communication has been first obtained.

13 5. No order entered under this section may authorize or
14 approve the interception of any wire communication for any period
15 longer than is necessary to achieve the objective of the
16 authorization, nor in any event longer than thirty days.
17 Extensions of an order may be granted, but only upon application
18 for an extension made in accordance with subsection 1 of this
19 section and the court making the findings required by subsection
20 3 of this section. The period of extension shall be no longer
21 than the court deems necessary to achieve the purposes for which
22 it was granted and in no event longer than thirty days. Every
23 order and extension thereof shall contain a provision that the
24 authorization to intercept shall be executed as soon as

1 practicable, shall be conducted in such a way as to minimize the
2 interception of communications not otherwise subject to
3 interception under sections 542.400 to 542.422, and shall
4 terminate upon attainment of the authorized objective, or in any
5 event in thirty days.

6 6. Whenever an order authorizing interception is entered
7 pursuant to the provisions of sections 542.400 to 542.422, the
8 order may require reports to be made to the court who issued the
9 order showing what progress has been made toward achievement of
10 the authorized objective and the need for continued interception.
11 Such reports shall be made at such intervals as the court may
12 require, but in no case longer than thirty days.

13 7. Notwithstanding any other provisions of sections 542.400
14 to 542.422, any law enforcement officer with the approval of the
15 prosecuting attorney may request an order of an appropriate court
16 whenever reasonable grounds therefor exist to have a pen register
17 placed in effect, which pen register will only determine the
18 phone number to which the call is placed.

19 8. Notwithstanding any other provision of law to the
20 contrary, communication common carriers, and their officers,
21 employees and agents, may provide information, facilities or
22 technical assistance to persons authorized by law to intercept
23 wire communications, if the communication common carrier, its
24 officers, employees or agents have been provided with a court

1 order directing such assistance signed by the authorizing court.
2 The court order shall set forth the period of time during which
3 the provision of the information, facilities or technical
4 assistance is authorized and specifying the information,
5 facilities, or technical assistance required. No cause of action
6 shall lie in any court against any communication common carrier,
7 its officers, employees, and agents for providing information,
8 facilities or assistance in accordance with the terms of an order
9 under this subsection. Any communication common carrier
10 furnishing such facilities or technical assistance shall be
11 compensated therefor by the prosecuting attorney at the
12 prevailing rates.

13 542.410. 1. The contents of any wire communication
14 intercepted by any means authorized by sections 542.400 to
15 542.422 shall be recorded on tape or wire or other comparable
16 device. The recording of the contents of any wire or oral
17 communication as required by this section shall be done in such
18 way as will protect the recording from editing or other
19 alterations. Immediately upon the expiration of the period of
20 the order, or extensions thereof, such recordings shall be made
21 available to the court issuing such order and shall be sealed
22 under its directions. Custody of the recordings shall be
23 wherever the court orders. The recordings shall not be destroyed
24 except upon an order of the issuing court and in any event shall

1 be kept for ten years. Duplicate recordings shall be made for
2 use for disclosure pursuant to the provisions of subsections 1
3 and 2 of section 542.406 for investigations and discovery in
4 accordance with applicable supreme court rules. The presence of
5 the seal provided for by subsection 2 of this section, or a
6 satisfactory explanation for the absence thereof, shall be a
7 prerequisite for the use or disclosure of the contents of any
8 wire communication or evidence derived therefrom under the
9 provisions of subsection 3 of section 542.406.

10 2. Applications made and orders granted under sections
11 542.400 to 542.422 shall be sealed by the court. Custody of the
12 applications and orders shall be wherever the court directs.
13 Such applications and orders shall be disclosed only upon a
14 showing of good cause before a court of competent jurisdiction
15 and shall not be destroyed except on order of the issuing or
16 denying court, and in any event shall be kept for ten years.

17 3. Any violation of the provisions of this section shall be
18 punishable as a class A misdemeanor.

19 4. Within a reasonable time but not later than ninety days
20 after the filing of an application for an order of approval under
21 the provisions of sections 542.400 to 542.422 or the termination
22 of the period of an order or extensions thereof, whichever is
23 later, the issuing or denying court shall cause to be served, on
24 the persons named in the order or the application, and such other

1 parties to intercepted communications an inventory which shall
2 include notice of:

3 (1) The fact of the entry of the order or the application;

4 (2) The date of the entry and the period of authorized,
5 approved interception;

6 (3) The fact that during the period oral communications
7 were or were not intercepted; and

8 (4) The nature of said conversations.

9 The court, upon the filing of a motion, shall make available to
10 such person or his counsel for inspection and copying such
11 intercepted communications, applications and orders.

12 542.412. 1. The contents of any intercepted wire
13 communications or evidence derived therefrom shall not be
14 received in evidence or otherwise disclosed in any trial,
15 hearing, or other proceeding in federal or state court nor in any
16 administrative proceeding unless each party, in compliance with
17 supreme court rules relating to discovery in criminal cases,
18 hearings and proceedings, has been furnished with a copy of the
19 court order and accompanying application under which the
20 interception was authorized or approved and a transcript of any
21 intercepted wire communication or evidence derived therefrom.

22 2. If the defense in its request designates material or
23 information not in the possession or control of the state, but
24 which is, in fact, in the possession or control of other

1 governmental personnel, the state shall use diligence and make
2 good faith efforts to cause such materials to be made available
3 to the defendant's counsel, and if the state's efforts are
4 unsuccessful and such material or other governmental personnel
5 are subject to the jurisdiction of the court, the court, upon
6 request, shall issue suitable subpoenas or orders to cause such
7 material or information to be made available to the state for
8 disclosure to the defense.

9 542.414. 1. Any aggrieved person in any trial, hearing, or
10 proceeding in or before any court, department, officer, agency,
11 regulatory body, or other authority of the United States, the
12 state, or a political subdivision thereof, may move to suppress
13 the contents of any intercepted wire communication, or evidence
14 derived therefrom, on the grounds that:

15 (1) The communication was unlawfully intercepted;

16 (2) The order of authorization or approval under which it
17 was intercepted is insufficient on its face;

18 (3) The interception was not made in conformity with the
19 order of authorization or approval; or

20 (4) The communication was intercepted in violation of the
21 provisions of the Constitution of the United States or the state
22 of Missouri or in violation of a state statute. Such motion
23 shall be made before the trial, hearing, or proceeding unless
24 there was no reasonable opportunity to make such motion or the

1 person was not aware of the existence of grounds for the motion.
2 If the motion is granted, the contents of the intercepted wire
3 communication, or evidence derived therefrom or the contents of
4 any communication intercepted as a result of any extension of the
5 original order authorizing or approving the interception of wire
6 communication, and any evidence derived therefrom, shall be
7 treated as having been obtained in violation of sections 542.400
8 to 542.422.

9 2. In addition to any other right to appeal, the state
10 shall have the right to appeal from an order granting a motion to
11 suppress made under subsection 1 of this section if the
12 prosecuting attorney shall certify to the court or other official
13 granting such motion that the appeal be taken within thirty days
14 after the date the order was entered and shall be diligently
15 prosecuted.

16 542.416. 1. Within thirty days after the expiration of an
17 order or each extension thereof entered pursuant to the
18 provisions of section 542.408, the issuing court shall report to
19 the state courts administrator:

- 20 (1) The fact that an order or extension was applied for;
21 (2) The kind of order or extension applied for;
22 (3) The fact that the order or extension was granted as
23 applied for, was modified, or was denied;
24 (4) The period of interceptions authorized by the order,

1 and the number and duration of any extensions of the order;

2 (5) The offense specified in the order or application, or
3 extension of an order;

4 (6) The identity of the applying investigative officer or
5 law enforcement officer and agency making the application and the
6 person authorizing the application; and

7 (7) The nature of the facilities from which or the place
8 where communications were to be intercepted.

9 2. In January of each year, the principal prosecuting
10 attorney for any political subdivision of the state shall report
11 to the state courts administrator:

12 (1) The information required by subdivisions (1) through
13 (7) of subsection 1 of this section with respect to each
14 application for an order or extension made during the preceding
15 calendar year;

16 (2) A general description of the interceptions made under
17 such order or extension, including:

18 (a) The approximate nature and frequency of incriminating
19 communications intercepted;

20 (b) The approximate nature and frequency of other
21 communications intercepted;

22 (c) The approximate number of persons whose communications
23 were intercepted; and

24 (d) The approximate nature, amount, and cost of the

1 manpower and other resources used in the interceptions;

2 (3) The number of arrests resulting from interceptions made
3 under such order or extension, and the offenses for which arrests
4 were made;

5 (4) The number of trials resulting from such interceptions;

6 (5) The number of motions to suppress made with respect to
7 such interceptions, and the number granted or denied;

8 (6) The number of convictions resulting from such
9 interceptions and the offenses for which the convictions were
10 obtained and a general assessment of the importance of the
11 interceptions; and

12 (7) The information required by subdivisions (2) through
13 (6) of this subsection with respect to orders or extensions
14 obtained in the preceding calendar year.

15 3. In April of each year the state courts administrator
16 shall transmit to the Missouri general assembly a full and
17 complete report concerning the number of applications for orders
18 authorizing or approving the interception of wire communications
19 and the number of orders and extensions granted or denied during
20 the preceding calendar year. Such report shall include a summary
21 and analysis of the data required to be filed with the state
22 courts administrator by subsections 1 and 2 of this section. The
23 state courts administrator may promulgate rules and regulations
24 dealing with the content and form of the reports required to be

1 filed by subsections 1 and 2 of this section.

2 542.418. 1. The contents of any wire communication or
3 evidence derived therefrom shall not be received in evidence or
4 otherwise disclosed in any civil or administrative proceeding,
5 except in civil actions brought pursuant to this section.

6 2. Any person whose wire communication is intercepted,
7 disclosed, or used in violation of sections 542.400 to 542.422
8 shall:

9 (1) Have a civil cause of action against any person who
10 intercepts, discloses, or uses, or procures any other person to
11 intercept, disclose, or use such communications; and

12 (2) Be entitled to recover from any such person:

13 (a) Actual damages, but not less than liquidated damages
14 computed at the rate of one hundred dollars a day for each day of
15 violation or ten thousand dollars whichever is greater;

16 (b) Punitive damages on a showing of a willful or
17 intentional violation of sections 542.400 to 542.422; and

18 (c) A reasonable attorney's fee and other litigation costs
19 reasonably incurred.

20 3. A good faith reliance on a court order or on the
21 provisions of section 542.408 shall constitute a prima facie
22 defense to any civil or criminal action brought under sections
23 542.400 to 542.422.

24 4. Nothing contained in this section shall limit any cause

1 of action available prior to August 28, 1989.

2 542.420. Whenever any wire communication has been
3 intercepted, no part of the contents of such communication and no
4 evidence derived therefrom may be received in evidence in any
5 trial, hearing, or other proceeding in or before any court, grand
6 jury, department, officer, agency, regulatory body, legislative
7 committee, or other authority of the United States, a state, or a
8 political subdivision thereof if the disclosure of that
9 information would be in violation of sections 542.400 to 542.422.

10 542.422. Whenever it shall appear that any person is
11 engaged or is about to engage in any act which constitutes or
12 will constitute a felony violation of sections 542.400 to
13 542.422, the attorney general may initiate a civil action in a
14 circuit court to enjoin such violation. The court shall proceed
15 as soon as practicable to the hearing and determination of such
16 an action, and may, at any time before final determination, enter
17 such a restraining order or prohibition, or take such other
18 action, as is warranted to prevent a continuing and substantial
19 injury to the state or to any person or class of persons for
20 whose protection the action is brought. A proceeding under this
21 section is governed by the rules of civil procedure except that,
22 if an indictment has been returned against the respondent,
23 discovery is governed by the rules of criminal procedure.

24 569.072. 1. A person commits the crime of criminal water

1 contamination if such person knowingly introduces any dangerous
2 radiological, chemical or biological agent or substance into any
3 public or private waters of the state or any water supply with
4 the purpose of causing death or serious physical injury to
5 another person.

6 2. Criminal water contamination is a class B felony.

7 570.030. 1. A person commits the crime of stealing if he
8 or she appropriates property or services of another with the
9 purpose to deprive him or her thereof, either without his or her
10 consent or by means of deceit or coercion.

11 2. Evidence of the following is admissible in any criminal
12 prosecution [under] pursuant to this section on the issue of the
13 requisite knowledge or belief of the alleged stealer:

14 (1) That he or she failed or refused to pay for property or
15 services of a hotel, restaurant, inn or boardinghouse;

16 (2) That he or she gave in payment for property or services
17 of a hotel, restaurant, inn or boardinghouse a check or
18 negotiable paper on which payment was refused;

19 (3) That he or she left the hotel, restaurant, inn or
20 boardinghouse with the intent to not pay for property or
21 services;

22 (4) That he or she surreptitiously removed or attempted to
23 remove his or her baggage from a hotel, inn or boardinghouse.

24 3. Stealing is a class C felony if:

1 (1) The value of the property or services appropriated is
2 seven hundred fifty dollars or more; or

3 (2) The actor physically takes the property appropriated
4 from the person of the victim; or

5 (3) The property appropriated consists of:

6 (a) Any motor vehicle, watercraft or aircraft; or

7 (b) Any will or unrecorded deed affecting real property; or

8 (c) Any credit card or letter of credit; or

9 (d) Any firearms; or

10 (e) A United States national flag designed, intended and
11 used for display on buildings or stationary flagstaffs in the
12 open; or

13 (f) Any original copy of an act, bill or resolution,
14 introduced or acted upon by the legislature of the state of
15 Missouri; or

16 (g) Any pleading, notice, judgment or any other record or
17 entry of any court of this state, any other state or of the
18 United States; or

19 (h) Any book of registration or list of voters required by
20 chapter 115, RSMo; or

21 (i) Any animal of the species of horse, mule, ass, cattle,
22 swine, sheep, or goat; or

23 (j) Live fish raised for commercial sale with a value of
24 seventy-five dollars; or

1 (k) Any controlled substance as defined by section 195.010,
2 RSMo; or

3 (1) Ammonium nitrate.

4 4. If an actor appropriates any material with a value less
5 than one hundred fifty dollars in violation of this section with
6 the intent to use such material to manufacture, compound,
7 produce, prepare, test or analyze amphetamine or methamphetamine
8 or any of their analogues, then such violation is a class D
9 felony. The theft of any amount of anhydrous ammonia or liquid
10 nitrogen, or any attempt to steal any amount of anhydrous ammonia
11 or liquid nitrogen, is a class C felony. The theft of any amount
12 of anhydrous ammonia by appropriation of a tank truck, tank
13 trailer, rail tank car, bulk storage tank, field (nurse) tank or
14 field applicator is a class A felony.

15 5. The theft of any item of property or services [under]
16 pursuant to subsection 3 of this section which exceeds seven
17 hundred fifty dollars may be considered a separate felony and may
18 be charged in separate counts.

19 6. Any person with a prior conviction of paragraph (i) of
20 subdivision (3) of subsection 3 of this section and who violates
21 the provisions of paragraph (i) of subdivision (3) of subsection
22 3 of this section when the value of the animal or animals stolen
23 exceeds three thousand dollars is guilty of a class B felony.

24 7. Any violation of this section for which no other penalty

is specified in this section is a class A misdemeanor.

571.020. 1. A person commits a crime if [he] such person knowingly possesses, manufactures, transports, repairs, or sells:

(1) An explosive weapon;

(2) An explosive, incendiary or poison substance or material with the purpose to possess, manufacture or sell an explosive weapon;

[(2)] (3) A machine gun;

[(3)] (4) A gas gun;

[(4)] (5) A short barreled rifle or shotgun;

[(5)] (6) A firearm silencer;

[(6)] (7) A switchblade knife;

[(7)] (8) A bullet or projectile which explodes or detonates upon impact because of an independent explosive charge after having been shot from a firearm; or

[(8)] (9) Knuckles.

2. A person does not commit a crime [under] pursuant to this section if his conduct:

(1) Was incident to the performance of official duty by the armed forces, national guard, a governmental law enforcement agency, or a penal institution; or

(2) Was incident to engaging in a lawful commercial or business transaction with an organization enumerated in subdivision (1) of this section; or

1 (3) Was incident to using an explosive weapon in a manner
2 reasonably related to a lawful industrial or commercial
3 enterprise; or

4 (4) Was incident to displaying the weapon in a public
5 museum or exhibition; or

6 (5) Was incident to dealing with the weapon solely as a
7 curio, ornament, or keepsake, or to using it in a manner
8 reasonably related to a lawful dramatic performance; but if the
9 weapon is a type described in subdivision (1), [(3) or (5)] (4)
10 or (6) of subsection 1 of this section it must be in such a
11 nonfunctioning condition that it cannot readily be made operable.
12 No short barreled rifle, short barreled shotgun, or machine gun
13 may be possessed, manufactured, transported, repaired or sold as
14 a curio, ornament, or keepsake, unless such person is an
15 importer, manufacturer, dealer, or collector licensed by the
16 Secretary of the Treasury pursuant to the Gun Control Act of
17 1968, U.S.C., Title 18, or unless such firearm is an "antique
18 firearm" as defined in subsection 3 of section 571.080, or unless
19 such firearm has been designated a "collectors item" by the
20 Secretary of the Treasury pursuant to the U.S.C., Title 26,
21 Section 5845 (a).

22 3. A crime [under] pursuant to subdivision (1), (2), (3),
23 (4) [or] (5) or (6) of subsection 1 of this section is a class C
24 felony; a crime [under] pursuant to subdivision [(6),] (7) [or] (6)

1 (8) or (9) of subsection 1 of this section is a class A
2 misdemeanor.

3 574.105. 1. As used in this section, the following terms
4 mean:

5 (1) "Conducts", initiating, concluding or participating in
6 initiating or concluding a transaction;

7 (2) "Criminal activity", any act or activity constituting
8 an offense punishable as a felony pursuant to the laws of
9 Missouri or the United States;

10 (3) "Currency", currency and coin of the United States;

11 (4) "Currency transaction", a transaction involving the
12 physical transfer of currency from one person to another. A
13 transaction which is a transfer of funds by means of bank check,
14 bank draft, wire transfer or other written order, and which does
15 not include the physical transfer of currency is not a currency
16 transaction;

17 (5) "Person", natural persons, partnerships, trusts,
18 estates, associations, corporations and all entities cognizable
19 as legal personalities.

20 2. A person commits the crime of money laundering if he:

21 (1) Conducts or attempts to conduct a currency transaction
22 [involving the proceeds of criminal activity] with the purpose to
23 promote or aid the carrying on of criminal activity; or

24 (2) Conducts or attempts to conduct a currency transaction

1 with the purpose to conceal or disguise in whole or in part the
2 nature, location, source, ownership or control of the proceeds of
3 criminal activity; or

4 (3) Conducts or attempts to conduct a currency transaction
5 with the purpose to avoid currency transaction reporting
6 requirements under federal law; or

7 (4) Conducts or attempts to conduct a currency transaction
8 with the purpose to promote or aid the carrying on of criminal
9 activity for the purpose of furthering or making a terrorist
10 threat or act.

11 3. The crime of money laundering is a class B felony and in
12 addition to penalties otherwise provided by law, a fine of not
13 more than five hundred thousand dollars or twice the amount
14 involved in the transaction, whichever is greater, may be
15 assessed.

16 574.115. 1. A person commits the crime of making a
17 [terroristic] terrorist threat if such person communicates a
18 threat to [commit a felony,] cause an incident or condition
19 involving danger to life, communicates a knowingly false report
20 [concerning the commission of any felony] of an incident or
21 condition involving danger to life, or knowingly [false report
22 concerning the occurrence of any catastrophe] causes a false
23 belief or fear that an incident has occurred or that a condition
24 exists involving danger to life:

1 (1) [For] With the purpose of frightening [or disturbing]
2 ten or more people;

3 (2) [For] With the purpose of causing the evacuation,
4 quarantine or closure of any portion of a building, inhabitable
5 structure, place of assembly or facility of transportation; or

6 (3) With reckless disregard of the risk of causing the
7 evacuation, quarantine or closure of any portion of a building,
8 inhabitable structure, place of assembly or facility of
9 transportation; or

10 (4) With criminal negligence with regard to the risk of
11 causing the evacuation, quarantine or closure of any portion of a
12 building, inhabitable structure, place of assembly or facility of
13 transportation.

14 2. Making a [terroristic] terrorist threat is a class C
15 felony unless committed under subdivision (3) of subsection 1 of
16 this section in which case it is a class D felony or unless
17 committed under subdivision (4) of subsection 1 of this section
18 in which case it is a class A misdemeanor.

19 3. [As used in this section:

20 (1) The term "threat" means an express or implied threat
21 but does not include a report made in good faith for the purpose
22 of preventing harm; and

23 (2) The term "catastrophe" is defined by section 569.070,
24 RSMo] For the purpose of this section, "threat" includes an

1 express or implied threat.

2 4. A person who acts in good faith with the purpose to
3 prevent harm does not commit a crime pursuant to this section.

4 575.080. 1. A person commits the crime of making a false
5 report if he knowingly:

6 (1) Gives false information to [a law enforcement officer]
7 any person for the purpose of implicating another person in a
8 crime; or

9 (2) Makes a false report to a law enforcement officer that
10 a crime has occurred or is about to occur; or

11 (3) Makes a false report or causes a false report to be
12 made to a law enforcement officer, security officer, fire
13 department or other organization, official or volunteer, which
14 deals with emergencies involving danger to life or property that
15 a fire or other incident calling for an emergency response has
16 occurred or is about to occur.

17 2. It is a defense to a prosecution under subsection 1 of
18 this section that the actor retracted the false statement or
19 report before the law enforcement officer or any other person
20 took substantial action in reliance thereon.

21 3. The defendant shall have the burden of injecting the
22 issue of retraction under subsection 2 of this section.

23 4. Making a false report is a class B misdemeanor.

24 576.080. 1. A person commits the crime of supporting

1 terrorism if such person knowingly provides material support to
2 any organization designated as a foreign terrorist organization
3 pursuant to 8 U.S.C. 1189, as amended and acts recklessly with
4 regard to whether such organization had been designated as a
5 foreign terrorist organization pursuant to 8 U.S.C. 1189.

6 2. For the purpose of this section, "material support"
7 includes currency or other financial securities, financial
8 services, lodging, training, safehouses, false documentation or
9 identification, communications equipment, facilities, weapons,
10 lethal substances, explosives, personnel, transportation and
11 other physical assets, except medicine or religious materials.

12 3. Supporting terrorism is a class C felony.

13 578.008. 1. A person commits the crime of [spreading
14 disease to livestock or animals] agroterrorism if [that] such
15 person purposely spreads any type of contagious, communicable or
16 infectious disease among crops, poultry, livestock as defined in
17 section 267.565, RSMo, or other animals.

18 2. [Spreading disease to livestock or animals]
19 Agroterrorism is a class D felony unless the damage to crops,
20 poultry, livestock or animals is ten million dollars or more in
21 which case it is a class B felony.

22 3. It shall be a defense to the crime of [spreading disease
23 to livestock or animals] agroterrorism if such spreading is
24 consistent with medically recognized therapeutic procedures or

1 done in the course of legitimate, professional scientific
2 research.

3 610.021. Except to the extent disclosure is otherwise
4 required by law, a public governmental body is authorized to
5 close meetings, records and votes, to the extent they relate to
6 the following:

7 (1) Legal actions, causes of action or litigation involving
8 a public governmental body and any confidential or privileged
9 communications between a public governmental body or its
10 representatives and its attorneys. However, any minutes, vote or
11 settlement agreement relating to legal actions, causes of action
12 or litigation involving a public governmental body or any agent
13 or entity representing its interests or acting on its behalf or
14 with its authority, including any insurance company acting on
15 behalf of a public government body as its insured, shall be made
16 public upon final disposition of the matter voted upon or upon
17 the signing by the parties of the settlement agreement, unless,
18 prior to final disposition, the settlement agreement is ordered
19 closed by a court after a written finding that the adverse impact
20 to a plaintiff or plaintiffs to the action clearly outweighs the
21 public policy considerations of section 610.011, however, the
22 amount of any moneys paid by, or on behalf of, the public
23 governmental body shall be disclosed; provided, however, in
24 matters involving the exercise of the power of eminent domain,

1 the vote shall be announced or become public immediately
2 following the action on the motion to authorize institution of
3 such a legal action. Legal work product shall be considered a
4 closed record;

5 (2) Leasing, purchase or sale of real estate by a public
6 governmental body where public knowledge of the transaction might
7 adversely affect the legal consideration therefor. However, any
8 minutes, vote or public record approving a contract relating to
9 the leasing, purchase or sale of real estate by a public
10 governmental body shall be made public within seventy-two hours
11 after execution of the lease, purchase or sale of the real
12 estate;

13 (3) Hiring, firing, disciplining or promoting of particular
14 employees by a public governmental body when personal information
15 about the employee is discussed or recorded. However, any vote
16 on a final decision, when taken by a public governmental body, to
17 hire, fire, promote or discipline an employee of a public
18 governmental body must be made available with a record of how
19 each member voted to the public within seventy-two hours of the
20 close of the meeting where such action occurs; provided, however,
21 that any employee so affected shall be entitled to prompt notice
22 of such decision during the seventy-two-hour period before such
23 decision is made available to the public. As used in this
24 subdivision, the term "personal information" means information

1 relating to the performance or merit of individual employees;

2 (4) The state militia or national guard or any part
3 thereof;

4 (5) Nonjudicial mental or physical health proceedings
5 involving identifiable persons, including medical, psychiatric,
6 psychological, or alcoholism or drug dependency diagnosis or
7 treatment;

8 (6) Scholastic probation, expulsion, or graduation of
9 identifiable individuals, including records of individual test or
10 examination scores; however, personally identifiable student
11 records maintained by public educational institutions shall be
12 open for inspection by the parents, guardian or other custodian
13 of students under the age of eighteen years and by the parents,
14 guardian or other custodian and the student if the student is
15 over the age of eighteen years;

16 (7) Testing and examination materials, before the test or
17 examination is given or, if it is to be given again, before so
18 given again;

19 (8) Welfare cases of identifiable individuals;

20 (9) Preparation, including any discussions or work product,
21 on behalf of a public governmental body or its representatives
22 for negotiations with employee groups;

23 (10) Software codes for electronic data processing and
24 documentation thereof;

1 (11) Specifications for competitive bidding, until either
2 the specifications are officially approved by the public
3 governmental body or the specifications are published for bid;

4 (12) Sealed bids and related documents, until the bids are
5 opened; and sealed proposals and related documents or any
6 documents related to a negotiated contract until a contract is
7 executed, or all proposals are rejected;

8 (13) Individually identifiable personnel records,
9 performance ratings or records pertaining to employees or
10 applicants for employment, except that this exemption shall not
11 apply to the names, positions, salaries and lengths of service of
12 officers and employees of public agencies once they are employed
13 as such;

14 (14) Records which are protected from disclosure by law;

15 (15) Meetings and public records relating to scientific and
16 technological innovations in which the owner has a proprietary
17 interest;

18 (16) Records relating to municipal hot lines established
19 for the reporting of abuse and wrongdoing;

20 (17) Confidential or privileged communications between a
21 public governmental body and its auditor, including all auditor
22 work product; and

23 (18) In preparation for and implementation of electric
24 restructuring, a municipal electric utility may close that

1 portion of its financial records and business plans which
2 contains information regarding the name of the suppliers of
3 services to said utility and the cost of such services, and the
4 records and business plans concerning the municipal electric
5 utility's future marketing and service expansion areas. However,
6 this exception shall not be construed to limit access to other
7 records of a municipal electric utility, including but not
8 limited to the names and addresses of its business and
9 residential customers, its financial reports, including but not
10 limited to its budget, annual reports and other financial
11 statements prepared in the course of business, and other records
12 maintained in the course of doing business as a municipal
13 electric utility. This exception shall become null and void if
14 the state of Missouri fails to implement by December 31, [2001]
15 2006, electric restructuring through the adoption of statutes
16 permitting the same in this state.

17 (19) Existing or proposed security systems and structural
18 plans of real property owned or leased by a public governmental
19 body, the public disclosure of which would threaten public
20 safety. Records related to the procurement of or expenditures
21 relating to security systems shall be open except to the extent
22 provided in this section. When seeking to close information
23 pursuant to this exception, the public governmental body shall
24 affirmatively state in writing that disclosure would impair the

1 public governmental body's ability to protect the security or
2 safety of persons or real property, and shall in the same writing
3 state that the public interest in nondisclosure outweighs the
4 public interest in disclosure of the records. This exception
5 shall sunset on December 31, 2006;

6 (20) Records that identify the configuration of components
7 or the operation of a computer, computer system, computer
8 network, or telecommunications network, and would allow
9 unauthorized access to or unlawful disruption of a computer,
10 computer system, computer network, or telecommunications network,
11 of a public governmental body. This exception shall not be used
12 to limit or deny access to otherwise public records in a file,
13 document, data file or database containing public records.
14 Records related to the procurement of or expenditures relating to
15 such computer, computer system, computer network, or
16 telecommunications network, including the amount of moneys paid
17 by, or on behalf of, a public governmental body for such
18 computer, computer system, computer network, or
19 telecommunications network, shall be open except to the extent
20 provided in this section; and

21 (21) Credit card numbers, personal identification numbers,
22 digital certificates, physical and virtual keys, access codes or
23 authorization codes that are used to protect the security of
24 electronic transactions between a public governmental body and a

1 person or entity doing business with a public governmental body.
2 Nothing in this section shall be deemed to close the record of a
3 person or entity using a credit card held in the name of a public
4 governmental body or any record of a transaction made by a person
5 using a credit card or other method of payment for which
6 reimbursement is made by a public governmental body.

7 Section B. Because of the immediate need for state
8 emergency powers this act is deemed necessary for the immediate
9 preservation of the public health, welfare, peace and safety, and
10 is hereby declared to be an emergency act within the meaning of
11 the constitution, and this act shall be in full force and effect
12 upon its passage and approval.